

MESSAGE NO: 9112202 MESSAGE DATE: 04/22/2009

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-475-201

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/01/2007 TO 04/30/2008

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS ON PARTIAL RESCISSION FOR BALL BEARINGS FROM ITALY (A-475-201); LIQUIDATE EDWARDS LTD. & EDWARDS HIGH VAC, OTHERS CONTINUE SUSPENSION.

MESSAGE NO: 9112202

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CATEGORY: ADA

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CASES: A - 475 - 201

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PERIOD COVERED: 05 01 2007 TO 04 30 2008

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS ON PARTIAL RESCISSION FOR BALL BEARINGS FROM ITALY (A-475-201); LIQUIDATE EDWARDS LTD. & EDWARDS HIGH VAC, OTHERS CONTINUE SUSPENSION.

1. THE ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER ON BALL BEARINGS AND PARTS THEREOF FROM ITALY (A-475-201), COVERING THE PERIOD 05/01/2007 THROUGH 04/30/2008, HAS BEEN RESCINDED IN PART FOR THE FIRMS LISTED BELOW. YOU ARE TO ASSESS ANTIDUMPING DUTIES ON THIS MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 05/01/2007 THROUGH 04/30/2008 AT THE CASH DEPOSIT OR BONDING RATE REQUIRED AT THE TIME OF ENTRY.

LIQUIDATE ALL ENTRIES FOR THE FOLLOWING FIRMS:

COMPANY: EDWARDS LTD.

CASE NUMBER: 10-DIGIT CASE NUMBER NOT ASSIGNED; ENTRIES MAY
HAVE BEEN MADE UNDER A-475-201-000 OR OTHER
COMPANY-SPECIFIC NUMBERS.

COMPANY: EDWARDS HIGH VACUUM INT'L LTD.

CASE NUMBER: 10-DIGIT CASE NUMBER NOT ASSIGNED; ENTRIES MAY
HAVE BEEN MADE UNDER A-475-201-000 OR OTHER
COMPANY-SPECIFIC NUMBERS.

2. YOU ARE TO ASSESS ANTIDUMPING DUTIES ON ENTRIES OF
MERCHANDISE PRODUCED AND/OR EXPORTED BY THE COMPANIES LISTED
ABOVE WHICH WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR
CONSUMPTION DURING THE PERIOD 05/01/2007 THROUGH 04/30/2008 AT
THE CASH DEPOSIT OR BONDING RATE REQUIRED AT THE TIME OF ENTRY
UNLESS THE ENTRIES WERE MADE UNDER THE COMPANY NAMES AND/OR CBP
CASE NUMBERS FOR THE SPECIFIC COMPANIES LISTED BELOW.

ALL ENTRIES PRODUCED AND/OR EXPORTED BY THE FOLLOWING COMPANIES
MUST REMAIN SUSPENDED UNTIL FURTHER NOTICE BECAUSE COMMERCE HAS

NOT RESCINDED OR COMPLETED ITS REVIEW OF THESE COMPANIES:

COMPANY: SCHAEFFLER ITALIA S.R.L. (FORMERLY FAG ITALIA
S.P.A.)

CASE NUMBER: A-475-201-001

COMPANY: SKF INDUSTRIE S.P.A.

CASE NUMBER: A-475-201-012

COMPANY: SOMECAT S.P.A.

CASE NUMBER: A-475-201-008

3. FOR EXAMPLE, IF ENTRIES OF BALL BEARINGS EXPORTED BY EDWARDS
LTD. ARE SUSPENDED UNDER SKF INDUSTRIE S.P.A. (A-475-201-012)

AS THE PRODUCER, SUCH ENTRIES MUST REMAIN SUSPENDED UNTIL COMMERCE COMPLETES ITS REVIEW OF SKF INDUSTRIE AND CBP MUST NOT LIQUIDATE SUCH ENTRIES PURSUANT TO THESE INSTRUCTIONS BECAUSE, ALTHOUGH COMMERCE HAS RESCINDED ITS REVIEW OF EDWARDS LTD., IT HAS NOT RESCINDED OR COMPLETED ITS REVIEW OF SKF INDUSTRIE.

4. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 05/01/2007 THROUGH 04/30/2008 OCCURRED WITH THE PUBLICATION OF THE NOTICE OF RESCISSION OF REVIEW IN PART (74 FR 13190, 03/26/2009). FOR ALL OTHER SHIPMENTS OF BALL BEARINGS AND PARTS THEREOF FROM ITALY YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

5. THERE ARE NO INJUNCTIONS APPLICABLE TO THE ENTRIES COVERED BY THIS INSTRUCTION.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS OR ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES.

THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION.

THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF COMMERCE'S REGULATIONS.

THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY.

IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION.

ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O5:JF).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CHRISTINE FURGASON

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party